

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEXINGTON INSURANCE CO.,
Plaintiff,

v.

SANDRA SWANSON,
Defendant.

No. C05-1614MJP

ORDER DENYING MOTION FOR
RECONSIDERATION

This matter comes before the Court on Plaintiff Lexington's motion for reconsideration of the Court's June 6, 2007, order in which the Court awarded costs to Defendant for her motion to compel the Litigation Management Guidelines without a protective order. (Dkt. No. 197.)

In this district, motions for reconsideration are disfavored. The Court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence. Local Civil Rule 7(h).

Lexington argues that the Court erred in awarding costs to Swanson. At the time Lexington made its request for the protective order, a similar order had been made in the corollary state case (and was subsequently upheld by a second reviewing judge) regarding the same documents. Based on these state court orders, Lexington argues that it was substantially justified in seeking a protective order in this case before producing the Litigation Management Guidelines to Swanson.

Lexington was not substantially justified in refusing to produce the Litigation Management Guidelines. Whether or not a separate court considering the issue granted a protective order,

1 Lexington needed to have a basis for requesting the protective order here. As the Court explained in
2 its previous order, Lexington failed to make the requisite showing for a protective order here. The
3 Court's award of costs is therefore not manifestly erroneous.

4 The motion for reconsideration is therefore DENIED.

5 The Clerk is directed to send copies of this order to all counsel of record.

6 Dated: June 13th, 2007.

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10 Marsha J. Pechman
United States District Judge
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